

**DURHAM, NORTH CAROLINA
MONDAY, SEPTEMBER 15, 2008
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Absent: None.

Also present: City Manager Thomas J. Bonfield, Senior Assistant City Attorney Karen Sindelar, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the pledge of allegiance led by Council Member Clement.

Mayor Bell read a proclamation declaring September 25, 2008 as National Day of Remembrance for Murder Victims that was presented to Diane Jones, of Durham Parents of Murdered Children, who invited everyone to attend the National Day of Remembrance observance on September 25.

Council Member Woodard recognized Cub Scout Pack 400 from Aldersgate United Methodist Church and comments were made by Pack Leader Geoff Heintzelman and his son, Daniel, on the purpose of their attendance.

Council Member Catotti recognized Boy Scout Troop 451 from Westminster Presbyterian Church.

Council Member Woodard congratulated the Fire Department on their successful graduation of 14 new employees, acknowledged the 11th Class of Neighborhood College, and invited citizens to attend the following events scheduled for the weekend: PhoenixFest, Blues Festival and CenterFest. Also, he asked everyone to attend the Duck Race that benefits the Interfaith Food Shuttle on September 27.

Council Member Clement announced that the kickoff for the Prepared Meals Tax is scheduled for September 16 at 2 p.m.

Council Member Catotti recognized the Stormwater Division for their presentation on storm water and water quality.

Mayor Pro Tempore Cole-McFadden reminded her colleagues about their commitment to serve dinner at the Rescue Mission on tomorrow at 4:15 p.m. Also, she announced her attendance at the Golden Krust grand opening and the Epilepsy Stroll honoring Pearly Yelverton.

Mayor Bell announced he attended the Women's Professional Billiard Association Southern Classic.

There were no priority items from the City Manager, City Attorney, and City Clerk.

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SUBJECT: SALARY INCREASES FOR COUNCIL EMPLOYEES -- CITY ATTORNEY AND CITY CLERK

Mayor Bell made comments on the annual evaluations for former City Manager Patrick Baker, now City Attorney and City Clerk D. Ann Gray. He reported as a result of their evaluations, the following salary increases were recommended: 3% for former City Manager Patrick Baker, now City Attorney and 4% for City Clerk D. Ann Gray--effective January 1, 2009.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to increase the salary by 3% for the City Attorney and to increase the salary by 4% for the City Clerk effective January 1, 2009 was approved at 7:19 p.m. by the following vote: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. No items were pulled from the Consent Agenda.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to approve the Consent Agenda was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: DESIGNATION OF VOTING DELEGATE - NORTH CAROLINA LEAGUE OF MUNICIPALITIES ANNUAL CONFERENCE, OCTOBER 12-14, 2008, CHARLOTTE, NORTH CAROLINA

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to appoint Council Member Eugene Brown as the voting delegate to attend the North Carolina League of Municipalities Annual Business Meeting on Tuesday, October 14, 2008 at 8:30 a.m. in Charlotte, North Carolina was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: DESIGNATION OF VOTING DELEGATES - ANNUAL CONGRESS OF CITIES & EXPOSITION, NOVEMBER 11-15, 2008, ORLANDO, FLORIDA

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to appoint Mayor Pro Tempore Cora Cole-McFadden as the voting delegate to attend the National League of Cities Annual Business Meeting on Saturday, November 15, 2008 in Orlando, Florida was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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**SUBJECT: DURHAM HOUSING AUTHORITY BOARD OF COMMISSIONERS -
REAPPOINTMENT**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to reappoint Isaac A. Robinson to the Durham Housing Authority Board of Commissioners with the term to expire on September 28, 2013 was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: HUMAN RELATIONS COMMISSION - RECEIPT AND ACCEPTANCE OF
APPLICATIONS**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to receive and accept applications for a citizen to fill one (1) vacancy on the Human Relations Commission for a Minority Male member with the term to expire on June 30, 2011 was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING PETITIONED
IMPROVEMENTS - CURB, GUTTER AND PAVING, WATER AND SEWER
LATERALS ON MISSELL AVENUE - SIDEWALK ON FAYETTEVILLE ROAD**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to accept a Certificate of Sufficiency from the Manager of Engineering and Stormwater for each of the following petitions; and

To adopt a resolution setting a public hearing for October 6, 2008, to consider ordering each of the following improvements was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Curb, Gutter and Paving, Water and Sewer Laterals on Missell Avenue from Cook Road to the South Property Line of PIN 0729-01-49-7397

Sidewalk on Fayetteville Road (West Side) from the North Property Line of PIN 0717-02-69-7405 to the South Property Line of PIN 0717-02-69-7405

**SUBJECT: CORRECTION OF CITY CODE AND FEE SCHEDULE PROVISIONS
RELATING TO WATER MANAGEMENT**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt an Ordinance to Clarify Water Reconnections Service Charges and Penalties; and

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To adopt an Ordinance to Repeal Portions of the Article of the City Code Respecting Permissive and Prohibited Use of Public Sewers was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #s 13693 and 13694

SUBJECT: CONTRACT WITH DURHAM TECHNICAL COMMUNITY COLLEGE FOUNDATION, INC. FOR BROWNFIELD JOB TRAINING (OPTION TO RENEW)

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute a contract with Durham Technical Community College Foundation, Inc. in an amount not to exceed \$130,000.00; and

To authorize the City Manager to modify the contract provided that the modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the contract was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: DOWNTOWN DURHAM, INC. FY 09 CONTRACT FOR ECONOMIC DEVELOPMENT SERVICES - DOWNTOWN DURHAM, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute the FY 09 Contract for Economic Development Services within the Downtown Durham District between the City of Durham and Downtown Durham, Inc. in an amount not to exceed \$158,048.00; and

To authorize the City Manager to modify the contract provided that the modifications do not increase the dollar amount and the modifications are consistent with the general intent of the contract was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: WIA GRANT PROJECT ORDINANCE FY 2008-2010 SUPERSEDING GRANT PROJECT ORDINANCE #13635

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to accept the "Employment and Training" Grant by executing the grant documents; and

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To adopt the "Employment and Training" Grant Project Ordinance FY 2008-2010 in the amount of \$ 1,345,074.00, superseding the Grant Project Ordinance #13635 that was approved by Council June 16, 2008 was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13695

**SUBJECT: DURHAM CULTURAL MASTER PLAN INTERLOCAL AGREEMENT
AMENDMENT - DURHAM COUNTY**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute the FY 09 Cultural Master Plan Interlocal Agreement with Durham County with an end date of June 30, 2009; and

To authorize the City Manager to make modifications to the agreement so long as the modifications do not increase the dollar amount or decrease the scope of services provided to the City was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: EMERGENCY COMMUNICATIONS TELEPHONE SYSTEM MAINTENANCE
CONTRACT - CAROLINA TELEPHONE AND TELEGRAPH COMPANY LLC
D/B/A EMBARQ**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute the agreement with Carolina Telephone and Telegraph Company LLC d/b/a Embarq for the purchase of an E911 Evergreen Maintenance Contract in the amount of \$199,198.73 payable from the Emergency Telephone System Surcharge fund; and

To authorize the City Manager to modify the agreement before execution provided that the modifications do not increase the dollar amount of the purchase price or decrease the amount of goods and/or services received was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: CITY HALL RENOVATIONS PROFESSIONAL SERVICES AGREEMENTS
AMENDMENTS AND INCREASED PROJECT CONTINGENCY - ROUGHTON
NICKELSON DE LUCA ARCHITECTS PA - MPB CONSTRUCTION
ENGINEERING, INC. - BALFOUR BEATTY CONSTRUCTION**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal year 2008-2009, the

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same being Ordinance #13632 for the purpose of increasing the total appropriation for the design and construction of City Hall and Annex Renovations Project by \$400,000.00;

To authorize the City Manager to execute a contract amendment to the Agreement for Professional Design Services for Durham City Hall and Annex Renovations with Roughton Nickelson De Luca Architects PA in an amount not to exceed \$210,003.00 so that the total contract amount will not exceed \$1,617,858.00;

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the fee to be paid by the City and do not decrease the goods and services to be provided to the City;

To authorize the City Manager to negotiate and execute change orders on the Agreement for Professional Design Services for Durham City Hall and Annex Renovations, provided the total fee does not exceed \$1,686,858.00 which is the total contract amount plus contingency;

To authorize the City Manager to execute a contract amendment to the agreement for HVAC design peer review services with MPB Construction Engineering, Inc. in an amount not to exceed \$49,400.00 so that the total contract amount will not exceed \$79,400.00;

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the fee to be paid by the City and do not decrease the goods and services to be provided to the City;

To increase the design contingency to \$5,600.00 for peer review services for City Hall and Annex Renovations project;

To authorize the City Manager to negotiate and execute change orders on the Amendment for Review of City Hall and Annex Renovation Project Services provided the total contract amount does not exceed \$85,000.00 which is the total amount of the contract plus contingency;

To increase the project contingency for construction from the originally authorized amount of \$461,100.00 in the amount of \$298,622.00 to a total of \$759,722.00; and

To authorize the City Manager to negotiate and execute change orders to the agreement with Balfour Beatty Construction for construction of the City Hall and Annex renovations so long as the contracted amount does not exceed \$8,564,917.00 which is the full amount budgeted for construction plus the project contingency was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13696

SUBJECT: RIGSBEE AVENUE SUBSTATION REQUEST FOR ADDITIONAL FUNDS

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal year 2008-2009, the same being Ordinance #13632 for the purpose of increasing the total appropriation for the design and construction of Broadway/Rigsbee Renovation by \$80,000.00;

To increase project contingency by \$111,000.00 from the originally authorized amount of \$202,800 to a total of \$313,800; and

To authorize the City Manager to negotiate and execute change orders on the Rigsbee Police Substation Renovation Project provided that the cost of all change orders does not exceed the contingency and provided the total construction cost does not exceed \$3,211,554.00 was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13697

SUBJECT: ORDINANCE REVISION AND CITYWIDE COMPENSATION AND CLASSIFICATION SYSTEM IMPLEMENTATION

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt an Ordinance to Amend City Code Section 42-5 to Change "Pay Bands" to "Pay Grades";

To revise and amend the City of Durham's Comprehensive Compensation and Classification System; and

To set a new livable wage pursuant to Section 18-23 of the Durham City Code, increasing the livable wage rate from \$10.10 to \$10.42 was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13698

SUBJECT: CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES FOR ST-233 (RESURFACING OF STREETS) - EARTH TECH

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute a contract for Construction Management Services for ST-233 (Resurfacing of Streets) with Earth Tech in the amount not to exceed \$998,913.00; and

To authorize the City Manager to modify the contract amendment before execution provided that modifications do not increase the dollar amount of the contract amendment and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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SUBJECT: NO COST CONTRACT AMENDMENT FOR GOOSE CREEK STREAM RESTORATION

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute an amendment for the Goose Creek Stream Restoration Contract extending the contract term until December 31, 2009; and

To authorize the City Manager to modify the contract provided that the modifications do not increase the dollar amount and the modifications are consistent with the general intent of the contract was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: LICENSE AGREEMENT WITH EDMONT REALTY, LLC

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to enter into a license agreement with Edgemont Realty, LLC for construction and maintenance of a safety fence within public right-of-way was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: LICENSE AGREEMENT WITH OAKHAVEN HOMEOWNERS ASSOCIATION, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to enter into a license agreement with Oakhaven Homeowners Association, Inc. for construction and maintenance of specialty street signs within public right-of-way was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: LICENSE AGREEMENT WITH ELMWOOD INVESTMENTS, LLC

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to enter into a license agreement with Elmwood Investments, LLC for installation and maintenance of a monitoring well within the public right-of-way was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: HYBRID BUS CAPITAL GRANTS

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute the FY2008-09 Section 5307 Bus Grant by executing the grant documents for the purchase of two (2) hybrid buses; and

To adopt the FY2008-09 Section 5307 Bus Grant Project Ordinance, in the amount of \$1,080,000.00;

To authorize the City Manager to execute the FY2008-09 Section 5307 Bus Grant by executing the grant documents for the purchase of six (6) hybrid buses; and

To adopt the FY2008-09 Section 5307 Bus Grant Project Ordinance, in the amount of \$3,240,000.00;

To authorize the City Manager to execute the FY2008-09 Section 5307 Bus Grant by executing the grant documents for the purchase of seven (7) hybrid buses; and

To adopt the FY2008-09 Section 5307 Bus Grant Project Ordinance, in the amount of \$3,850,000.00;

To authorize the City Manager to execute the FY2007-08 Section 5307 Bus Grant by executing the grant documents; and

To adopt the FY2007-08 Section 5307 Bus Grant superseding Grant Project Ordinance #13522 was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #s 13699, 13700, 13701 and 13702

**SUBJECT: MUNICIPAL AGREEMENT WITH NC DEPARTMENT OF
TRANSPORTATION FOR INSTALLATION OF AUTOMATIC
WARNING DEVICES AT THE CROSSING OF DREW STREET AND
NORFOLK SOUTHERN RAILWAY TRACKS**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt a Resolution authorizing the City Manager to enter into an agreement with the NCDOT for the installation and maintenance of the protective devices at the crossing of Drew Street and Norfolk Southern Railway Tracks (Crossing No. 470 630P) at an estimated cost of \$19,900.00 to the City for the installation of the devices; and

To authorize the City Manager to modify the agreement before execution provided the modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the version of the agreement approved by the City Council was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9600

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**SUBJECT: MUNICIPAL AGREEMENT WITH NC DEPARTMENT OF
TRANSPORTATION FOR INSTALLATION OF AUTOMATIC WARNING
DEVICES AT THE CROSSING OF GILBERT STREET AND NORFOLK
SOUTHERN RAILWAY TRACKS**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt a Resolution authorizing the City Manager to enter into an agreement with the NCDOT for the installation and maintenance of the protective devices at the crossing of Gilbert Street and Norfolk Southern Railway Tracks (Crossing No. 470 634S) at an estimated amount of \$15,000.00 to the City for the installation of the devices; and

To authorize the City Manager to modify the agreement before execution provided the modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the version of the agreement approved by the City Council was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9601

**SUBJECT: CONTRACT AMENDMENT NO. 2 CONTRACT ST-227, 2006 STREET
IMPROVEMENTS - CHESAPEAKE AVENUE STORMWATER AND
WEDGEWOOD LANE WATER AND SEWER PROJECTS**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute a contract amendment for ST-227, 2006 Street Improvements for the following was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

- A. Chesapeake Avenue Stormwater and Wedgewood Lane Water and Sewer Projects totaling \$465,000.00

**SUBJECT: CONTRACT SW-21, 2008 CURB RAMPS - HOLMES CONTRACTING,
INCORPORATED**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute a contract for SW-21 2008 Curb Ramps with Holmes Contracting, Incorporated in the amount of \$691,963.50;

To establish a contingency fund in the amount of \$103,794.53 (15%); and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$103,794.53 and the total project cost does not exceed \$795,758.03 was approved at

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7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: FY 2011-2017 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)
PRIORITY LIST**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt a Resolution to Endorse the City of Durham's Project Priority List for the FY 2011-2017 Transportation Improvement Program was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9602

At this time during the meeting, Council Member Catotti stated she looks forward to the City Manager's report regarding matching the City livable wage to the County livable wage.

The City Council disposed of the following agenda items at the September 4, 2008 Work Session:

12. Proposed Sale of Surplus Real Estate Located at 104 Floyd Drive and 212 Northwood Circle

To accept the following offers from:

- a. New Beginnings Home Buyers for \$42,000.00 for 140 Floyd Drive (Parcel 130286, CT # 130286).
- b. Wayne Randolph for \$10,000.00 for 212 Northwood Circle (Parcel 105061, CT # 2117); and

To authorize the City Manager to sell and the Mayor to convey these properties with a non-warranty deed subject to reservations and easements to be retained by the City of Durham.

(This item was approved at the 09/04/08 Work Session with a vote of 6/0)

15. Housing and Urban Development (HUD) Cooperative Grant Agreement for FY 2008- 2009

To authorize the City Manager to accept the City of Durham North Carolina and the U.S. Department of Housing and Urban Development (HUD) Funds by executing the grant documents; and

To adopt the City of Durham North Carolina and the U.S. Department of Housing and Urban Development (HUD) Grant Project Ordinance in the amount of \$57,812.00.

(This item was approved at the 09/04/08 Work Session with a vote of 6/0)

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16. Extension and Modification of the Comprehensive Compensation and Classification Study Contract

To approve the extension and modification of the Comprehensive Compensation and Classification Study contract with Waters Consulting Group.

(This item was approved at the 09/04/08 Work Session with a vote of 6/0)

18. Four Day Work Week Report

To receive a report on the Four Day Work Week.

(A report was received at the 09/04/08 Work Session)

19. Raleigh-Durham Airport Authority-Federal Aviation Administration Grant Offer

To accept the Federal Aviation Administration Grant Offer in an amount of \$1,193,929.00 for Rehabilitation Runway 5R-23L Pavement, FAA AIP Grant Number 3-37-0056-35-2008; and

To authorize the City Manager to execute the Grant Agreement; and

To authorize the City Attorney to give assurances with respect thereto.

(This item was approved at the 09/04/08 Work Session with a vote of 6/0)

20. Contract for Park Security Design Services

To authorize the City Manager to enter into a contract with Strauchs, LLC for planning and design of park Security for the sum of \$149,690.00 with a \$15,000.00 contingency for a total of \$164,690.00; and

To authorize the City Manager to negotiate and execute change orders and to make changes to the contract before executing it if the changes do not increase the compensation to be paid by the City and do not decrease the goods and services to be provided to the City.

(This item was referred back to the Administration – Parks and Recreation Department)

29 (b). Contract Amendment No. 2 Contract ST-227, 2006 Street Improvements

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To authorize the City Manager to execute a contract amendment for ST-227, 2006 Street Improvements for the following:

B. Brecknock-Donnigale Streets Sewer in the amount of \$670,686.65

(Section B was referred back to the Administration – Public Works Dept.)

32. Capital Program Advisory Committee Quarterly Report for June 30, 2008

To receive the Capital Program Advisory Committee (CPAC) Quarterly Report for June 30, 2008.

(A report was received at the 09/04/08 Work Session)

33. Mortgage Loan Portfolio Annual Report, Fiscal Year 2008

To receive an Annual Report on the Mortgage Loan Portfolio for FY 2008.

(A report was received at the 09/04/08 Work Session)

34. County Tax Settlement

To accept the report of the County Tax Administrator concerning the FY2008 Tax Settlement.

(A report was received at the 09/04/08 Work Session)

35. City Streets 2008

To receive a presentation on City Streets 2008.

(A presentation was received at the 09/04/2008 Work Session)

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

**SUBJECT: STREET CLOSING - PORTION OF WATKINS ROAD (SC07-05) –
BOULEVARD PROPERTIES C/O MICHAEL WALDROUP**

City/County Planning Director Steve Medlin briefed Council on the street closing. He reported this request has been reviewed by all the appropriate agencies and no issues have been identified. He stated staff is recommending approval of this street closing.

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Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Clement seconded by Council Member Woodard to receive public comments on the closing of a 0.111 acre portion of Watkins Road; and

To adopt an Order permanently closing a 0.111 acre portion of Watkins Road located at southeast of the intersection of Southwest Durham Drive and Witherspoon Boulevard was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13703

SUBJECT: STREET CLOSING – 105.10 LINEAR FOOT UNNAMED ALLEY OFF EAST CLUB BOULEVARD (SC0800011) – ENOCH ENGINEERS, P.A.

City/County Planning Director Steve Medlin briefed Council on the street closing. He reported this request has been reviewed by all the appropriate agencies and no issues have been identified. He stated staff is recommending approval of this street closing.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Woodard seconded by Council Member Catotti to receive public comments on the permanent closing of a 105.10 linear foot unnamed alley off East Club Boulevard; and

To adopt an Order permanently closing a 105.10 linear foot unnamed alley off East Club Boulevard was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13704

SUBJECT: ZONING MAP CHANGE – DAVIS PARK WEST (Z07-27) – CRAIG DAVIS PROPERTIES – NORTHWEST CORNER OF THE INTERSECTION OF HOPSON ROAD AND DAVIS DRIVE, EAST OF JENKINS ROAD

To receive public comments on the zoning map change for Davis Park West (Z07-27);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-27 out of CC(D) and SRP and placing same in and establishing same as CG(D); and

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To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval, 12-1 on August 12, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report, comments received during the public hearing and an additional committed element proffered by the applicant at the meeting.

[The site is located on the northwest corner of the intersection of Hopson Road and Davis Drive, east of Jenkins Road. PINs: 0737-03-95-9189-SLP, -04-94-7413, 0747-03-04-2491]

City/County Planning Director Steve Medlin certified that all proper notifications have been carried out in accordance with the Unified Development Ordinance and general statutes. He stated affidavits have been completed and are available for public review.

He briefed Council on zoning map request to change the zoning designation of a 33.86 acre site from its current zoning of science research park and commercial center with a development plan to commercial general with a development plan. He made comments on the proposed use of the site to include up to 330 multi-family units, 82,000 square feet of non-residential space, and a 180-room hotel site. He reported the plan commits to a number of roadway improvements, including some that were identified by the Transportation Impact Analysis. He stated additional commitments were made to accommodate the future Triangle Parkway location and address facilities for bicyclists and pedestrians along Hopson Road. He stated the request is consistent with the future land designation and policies of the Comprehensive Plan, commented on the site indicating it's located within the Cape Fear Watershed Basin and there is an unrelated wetland area along the eastern boundary. He reported there are no identified environmental or physical constraints that would preclude this site from being developed, and stated staff is recommending approval of this request based on its consistency with the Comprehensive Plan and considering the information contained in the staff report. Further, he stated the Planning Commission recommended approval of this request and that there are 31 committed elements associated with this zoning map change.

Mayor Bell opened the public hearing.

Proponents

Patrick Byker, representing the applicant, spoke in support of this zoning map change. He outlined three

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reasons why Council should support this request commenting on the acquisition of additional property which has necessitated changing the approved development plan; the request will allow good quality housing near Research Triangle Park, and the site has been designed for pedestrian connectivity. He urged Council to support this much needed project.

Liz Rooks, of Research Triangle Foundation, stated the Foundation, the owners and tenants association of RTP are strongly in favor of this proposal and the further development of Davis Park which provides housing and an amenity package that is much needed and desired by the employees of RTP.

No one spoke against this zoning map request.

Due to the additional students that would be generated by this project, Council Member Woodard asked the applicant if they would be willing to make a donation to the schools.

Patrick Byker, representing the applicant, stated the applicant would be contributing \$2,500 to Durham Public Schools and would be working out the language with the Planning Department.

For clarification on language, City/County Planning Director Steve Medlin stated staff would be adding a note that the school proffer would be paid prior to site plan approval or approval of the final plat.

Mayor Bell closed the public hearing.

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on the zoning map change for Davis Park West (Z07-27);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-27 out of CC(D) and SRP and placing same in and establishing same as CG(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 7:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #13705

Relative to bail bonds being increased for persons who have been charged with committing criminal incidents with weapons, Mayor Bell asked the City Manager to provide an update on how this has been working to include the number of persons who have their bonds set and whether bonds were reduced.

Mayor Pro Tempore Cole-McFadden thanked the City Manager for his newsletter.

Council Member Clement thanked the City Manager for attending the PAC 4 meeting.

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There being no further business to come before the City Council, the meeting was adjourned at 7:35 p.m.

Linda E. Bratcher, CMC
Deputy City Clerk

D. Ann Gray, MMC
City Clerk